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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)

First named inventor: Le Roy Nellis

Application No.: 10/064,958

Art Unit: ##

Filed: 9-4-2002

Examiner:

Title: A Lifting and Telescoping dolly

Attention: Office of Petitions  
Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
FAX: (703) 872-9306

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus an extensions of time actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee --required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

**1. Petition fee**

☐ Small entity-fee \$ \_\_\_\_\_ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☐ Other than small entity - fee \$ \_\_\_\_\_ (37 CFR 1.17(m))

**2. Reply and/or fee**

A. The reply and/or fee to the above-noted Office action in the form of Letter & Declaration Form (identify type of reply)

☒ has been filed previously on 11-26-03

☐ is enclosed herewith.

B. The issue fee of \$ 65.00

☒ has been paid previously on 11-26-03

☐ is enclosed herewith.

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[Page 1 of 2]

This collection of information is required by 37 CFR 1.137. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

### 3. Terminal disclaimer with disclaimer fee

- ☐ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE. The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))].

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

1-26-04  
Date

[Signature]  
Signature

Telephone  
Number:

(512) 854-9066  
Typed or printed name

LeRoy Nellis  
Typed or printed name

6418 Zedock Woods  
Address

Austin, TX 78749  
Address

Enclosures: ☐ Fee Payment

☒ Reply

☐ Terminal Disclaimer Form

☒ Additional sheets containing statements establishing unintentional delay

☐ Other: \_\_\_\_\_

### CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

- ☒ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: **Mail Stop Petition, Commissioner for Patents,**  
P.O. Box 1450, Alexandria, VA 22313-1450.

- ☐ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 872-9306.

1-26-04  
Date

[Signature]  
Signature

LeRoy Nellis  
Type or printed name of person signing certificate

January 26<sup>th</sup>, 2004

Office of Petitions,

I have been corresponding to all mail notifications with included payments. I have been trying to communicate with your office without any success. I have included the documents that I have received, documents I sent back via Fax and Certified Mail, copies of the Certified Receipts for the letters, and a copy of the check.

I would like to ask that you reinstate the patent application number 10/064,958 and wave any fees associated with the reinstatement.

The following is my contact information to update your records.

LeRoy Nellis 6428 Zadock Woods Austin, TX 78749 (512)854-9066

email: Leroyneellis@hotmail.com

**Please contact me with a confirmation and resolution to this matter.**

Thanks,

LeRoy Nellis

Cc

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11/26/03

To: Patent Office  
From: LEROY W. NELLIS

ATTACHED IS A SIGNED DECLARATION  
AND CHECK FOR \$65 SURCHARGE.  
PLEASE CALL ME AT 512-854-9066  
IF YOU NEED ANYTHING ELSE  
FOR MY PATENT APPLICATION.

Thanks,  
Leroy Nellis

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6-9-03

To: United States Patent and  
Trademark Office  
From: Leroy W. Nellis  
Subject: Patent Application # 10/064,958

Attached is information submitted  
to your office on 9/24/02. To date  
I have not received any notification  
of the status of my patent  
request. Please mail me a  
status of my patent request to:

Leroy W. Nellis  
6418 Zaddock Woods  
Austin, TX 78749  
OR

FAX RESPONSE TO 1-512-301-9572

YOUR ASSISTANCE IN THIS MATTER  
IS CERTAINLY APPRECIATED

Sincerely,  
Leroy Nellis

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44611 - Donna Paris -

Declaration

\$65 surcharge

website

www.uspto.gov

declaration for utility

LN 1<sup>st</sup> inventor  
United States Patent Office

P.O. Box 1450

Alexandria, VA

22313

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\*\*\*\*\* WELCOME TO \*\*\*\*\*

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Stock Unit Id WYLMA  
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Postage Type: PVI  
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Base Rate: 0.60  
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Return Receipt 1.75

Subtotal 4.65  
Total 4.65

MasterCard 4.65

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AUTH 052534 CREDIT TRANS # 149

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11/26/03

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7003 2260 0000 7551 9858

**DOWNTOWN STATION**

Sent To: **US Patent Office**  
Street, Apt. No., or PO Box No.: **P.O. Box 1450**  
City, State, ZIP+4: **Alexandria, VA 22313**

PS Form 3800, June 2002 See Reverse for Instructions

**COMPLETE THIS SECTION ON DELIVERY**

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NOV 28 2003

USPTO MAIL CENTER

1. Article Addressed to: **Up-tek Systems Patent Office P.O. Box 1450 Alexandria, VA 22313**

2. Article Number (Transfer from sender): **7003 2260 0000 7551 9858**

3. Service Type: ☒ Certified Mail ☐ Registered ☐ Insured Mail ☐ Express Mail ☐ Return Receipt for Merchandise ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes ☐ No

5. Signature of Agent: **X**

6. Received by (Printed Name): **NOV 28 2003**

7. Date of Delivery: **NOV 28 2003**

8. Is delivery address different from item 1? ☐ Yes ☒ No

9. If YES, enter delivery address below:

10. Complete Items 1, 2, and 3. Also complete Item 4 if Restricted Delivery is desired.

11. Print your name and address on the reverse so that we can return the card to you.

12. Attach this card to the back of the mailpiece, or on the front if space permits.

13. PS Form 3811 August 2001

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## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/064,958	09/04/2002	LeRoy William Nellis	

32378  
LEROY NELLIS  
6418 ZADOCK WOODS  
AUSTIN, TX 78749

CONFIRMATION NO. 7002

## FORMALITIES LETTER



\*OC000000008808318\*

Date Mailed: 09/18/2002

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted***Items Required To Avoid Abandonment:**

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

**Items Required To Avoid Processing Delays:**

The item(s) indicated below are also required and should be submitted with any reply to this notice to avoid further processing delays.

**SUMMARY OF FEES DUE:**

Total additional fee(s) required for this application is \$65 for a Small Entity

- \$65 Late oath or declaration Surcharge.

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*A copy of this notice **MUST** be returned with the reply.*



*In the United States Patent and Trademark Office*

OATH OR AFFIRMATION

I, LEROY W. NELLIS

DO SOLEMNLY SWEAR OR AFFIRM THAT IF ADMITTED TO PRACTICE BEFORE  
THE UNITED STATES PATENT AND TRADEMARK OFFICE:

I will observe the laws and rules of practice of the United States Patent and Trademark Office.

I will maintain the respect due to the United States Patent and Trademark Office and the officials  
thereof.


I will not counsel or maintain any application or proceeding which shall appear to me to be unjust,  
nor will I take any action except such as I believe to be honestly debatable under the law.

I will employ for the purpose of maintaining the causes confided to me such means only as  
are consistent with truth and honor and will never employ political influence nor seek to mislead  
the officials of the Office by any artifice or false statements of fact or law.

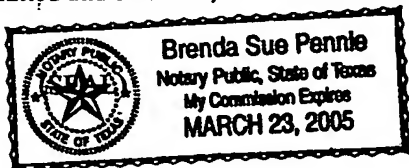
I will maintain in confidence and preserve inviolate the secrets of my client and will accept no  
compensation in connection with his or her business except from him or her with his or her  
knowledge or approval.

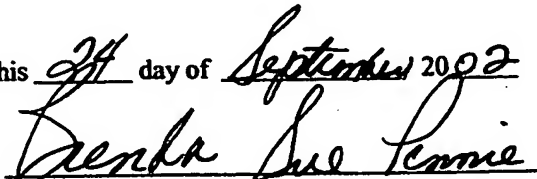
I will abstain from all offensive personality and advance no fact prejudicial to the honor or  
reputation of a party or witness unless required by justice of the cause with which I am charged.

I will not delay any man's cause for lucre or malice.

  
Signature of Applicant

Submitted and sworn to, or affirmed before me this 24 day of September 2002



  
Signature of Notary Public

9-503

To: United States Patent and TRADEMARK  
Office,  
From: LEROY W. NELLIS  
Subject: Status of Patent  
Application #10/064,958

Attached is a REQUEST I FAXED  
to your office ON 6/9/03.  
I HAVE NOT RECEIVED A RESPONSE  
to my REQUEST. PLEASE  
MAIL ME A STATUS REPORT ON  
my PATENT APPLICATION TO:

LEROY W. NELLIS  
6418 ZADOCK WOODS  
AUSTIN, TX 78749

YOUR ASSISTANCE IS APPRECIATED

Sincerely,  
Leroy Nellis

**LICENSE FOR FOREIGN FILING UNDER  
Title 35, United States Code, Section 184  
Title 37, Code of Federal Regulations, 5.11 & 5.15**

**GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

**NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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LEROY W. NELLIS  
6418 ZADOCK WOODS DR. 301-9870  
AUSTIN, TX 78749

Date 1/26/03 35-2/1131  
701

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## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/064,958	09/04/2002	LeRoy William Nellis	

CONFIRMATION NO. 7002

ABANDONMENT/TERMINATION  
LETTER

\*OC000000011719097\*

32378  
 LEROY NELLIS  
 6418 ZADOCK WOODS  
 AUSTIN, TX 78749

Date Mailed: 01/20/2004

## NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 09/18/2002.

- No reply was received.

A petition to the Commissioner under 37 CFR 1.137 may be filed requesting that the application be revived.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of **UNAVOIDABLE DELAY** must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(l); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Any questions concerning petitions to revive should be directed to the "Office of Petitions" at (703) 305-9282. Petitions should be mailed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

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